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7 Attorneys for Defendant, Cross-
8 Claimant and Third Party Plaintiff
9 MICHAEL FRIEL

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 RITA JETTE) Case No. C 05-02226 PJH
13 Plaintiff,)
14 vs.) **STIPULATION AND ORDER TO
15) EXTEND PRE-TRIAL
16) DEADLINES**
17)
18 AND RELATED CROSS-CLAIM AND)
19 THIRD PARTY COMPLAINT.)
20)
21)
22)

Based on the Stipulation of the parties through their respective counsel and for good cause shown, the Court enters the following order:

STIPULATION

The parties to this action, through their respective counsel of record, hereby stipulate as follows:

1 1. On April 13, 2006, the Court approved the parties' Stipulation to Mediate
2 in Lieu of Early Neutral Evaluation and to Extend Pre-Trial Deadlines, and issued an
3 order ("Pre-Trial Order"). Pursuant to the Pre-Trial Order, the following pre-trial
4 deadlines have been established:

- 5 a) the mediation to be completed on or before June 23, 2006;
6 b) all lay witness depositions to be completed by the Discovery Cutoff (as
7 defined by Local Rules of United States District Court for the Northern District of
8 California, Rule 26-2) of August 15, 2006, and all written discovery to be completed by
9 the Discovery Cutoff of August 15, 2006;
10 c) all expert witness depositions to be completed by August 31, 2006; and
11 d) all dispositive motions to be filed on or before September 15, 2006.

12 2. The parties proceeded to mediate on June 14, 2006, which was not
13 successful. The parties then proceeded with plaintiff Rita Jette's deposition on June 15,
14 2006.

15 3. The parties have been discussing deposition dates for other lay witnesses,
16 including, without limitation, Defendant, Cross-Claimant and Third Party Plaintiff,
17 Michael Friel ("Friel"), and Defendant and Cross-Defendant George McQueen
18 ("McQueen") when both counsel for plaintiff, Mr. Seth L. Goldstein and Ms. Maureen
19 M. Bryan, began their trial in another case on June 23, 2006. Although the original trial
20 estimate was 2 weeks, counsel for plaintiff are still in trial as of today, and expect to be
21 in trial at least until August 4, 2006, making it a six week trial. As a result, the tentative
22 dates for the depositions of Friel and McQueen no longer work, and will have to be
rescheduled.

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4. Moreover, the lead counsel for plaintiff, Mr. Goldstein, is scheduled to be on vacation from August 2, 2006, until the end of the month. Thus, the depositions of Friel and McQueen are not likely to proceed until early September 2006. In addition, Friel intends to depose the third party defendants in this action, which will likely proceed after his and McQueen's depositions.

5. Thus, the parties hereby stipulate to amend the pre-trial deadlines as follows:

- a) all lay witness depositions to be completed by Friday, September 22, 2006, and all written discovery to be completed by September 22, 2006;
 - b) all expert witness depositions to be completed by October 13, 2006; and
 - c) all dispositive motions to be filed on or before November 3, 2006.

6. This Stipulation may be executed by facsimile in multiple counterparts, each of which shall be deemed an original and which shall together constitute one and the same instrument.

Dated: July , 2006

Law Offices of Seth L. Goldstein

By:

Seth L. Goldstein
Attorneys for Plaintiff Rita Jette and Third
Party Defendant Henry H. Katz

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PAGE 4 OF 84

1 4. Moreover, the lead counsel for plaintiff, Mr. Goldstein, is scheduled to be
 2 on vacation from August 2, 2006, until the end of the month. Thus, the depositions of
 3 Friel and McQueen are not likely to proceed until early September 2006. In addition,
 4 Friel intends to depose the third party defendants in this action, which will likely
 5 proceed after his and McQueen's depositions.

6 5. Thus, the parties hereby stipulate to amend the pre-trial deadlines as
 7 follows:

- 8 a) all lay witness depositions to be completed by Friday, September 22, 2006,
 9 and all written discovery to be completed by September 22, 2006;
 10 c) all expert witness depositions to be completed by October 13, 2006; and
 11 d) all dispositive motions to be filed on or before November 3, 2006.

12 6. This Stipulation may be executed by facsimile in multiple counterparts,
 13 each of which shall be deemed an original and which shall together constitute one and
 14 the same instrument.

15 Dated: July 17, 2006

16 Law Offices of Seth L. Goldstein & Scramstad
 17 By: *Seth L. Goldstein* *Barbara Scramstad*
 18 for *Maureen Bryan*
 19 Seth L. Goldstein, Maureen Bryan
 20 Attorneys for Plaintiff Rita Jette and Third
 21 Party Defendant Henry H. Katz

1 Dated: July ____, 2006

Katzoff & Riggs

3 By:

4 Robert R. Riggs

5 Sung E. Shim

6 Attorneys for Defendant, Cross-Claimant and
7 Third Party Plaintiff

8 Michael Friel

9 Dated: July ____, 2006

10 Ewing & Associates

11 By:

12 Michael Ewing

13 Attorney for Defendant and Cross-Defendant

14 George McQueen

15 Dated: July ____, 2006

16 By:

17 Seth L. Goldstein

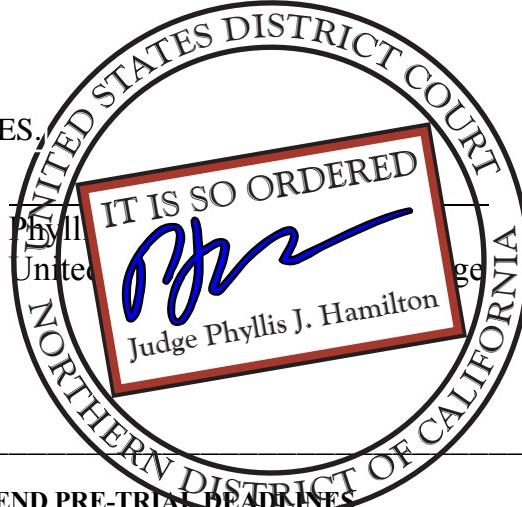
18 In Pro Per

19 **ORDER**

20 Pursuant to Stipulation, IT IS SO ORDERED.

21 Dated: July ²⁵ ____, 2006

22 NO FURTHER CONTINUANCES.



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EWING & ASSOCIATES

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(312) 926-1000
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PAGE 05

1 Dated: July 20, 2006

Katzoff & Riggs



By:

Robert R. Riggs
Sung E. Shim
Attorneys for Defendant, Cross-Claimant and
Third Party Plaintiff
Michael Friel

6 Dated: July 21, 2006

Ewing & Associates



By:

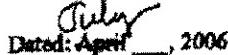
Michael Ewing
Attorney for Defendant and Cross-Defendant
George McQueen

11 Dated: July 17, 2006

12 By: 
13 Seth L. Goldstein
In Pro Per

15 ORDER

17 Pursuant to Stipulation, IT IS SO ORDERED.

18 
19 Dated: April 20, 2006

21 Phyllis J. Hamilton
United States District Judge

PROOF OF SERVICE

I, the undersigned, declare that I am, and was at the time of service of the papers herein referred to, over the age of eighteen (18) years and not a party to the within action or proceeding. I am employed in the County of Alameda, State of California. My business address is 1500 Park Avenue, Suite 300, Emeryville, California 94608. I am familiar with the regular mail collection and processing practices of Katzoff & Riggs for correspondence deposited for mailing with the United States Postal Service. On July 21, 2006, I caused to be served the following document(s):

STIPULATION AND ORDER TO EXTEND PRE-TRIAL DEADLINES

addressed to each such addressee respectively as follows:

**Maureen M. Bryan
Scramstad & Bryan, P.C.
2020 Bonifacio Street, Suite B
Concord, CA 94520
Tel. (925) 825-3393 / Fax (925) 825-2875**

**Michael Ewing
Ewing & Associates
995 South Main Street
P. O. Box 400
Lakeport, CA 95453
(707) 263-6400 / Fax (707) 263-7047**

I then served the addressees in the following manner:

VIA THE UNITED STATES POSTAL SERVICE by causing a true copy and/or original thereof to be placed in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing mail.

[] VIA FACSIMILE by causing such document to be served via facsimile on the parties in this action via facsimile numbers as stated on this proof of service.

[] VIA OVERNIGHT COURIER by causing a true copy and/or original thereof to be personally delivered via the following overnight courier service: Golden State Overnight.

I declare under penalty of perjury, under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed on July 21, 2006, at Emeryville, California.

SUNG E. SHIM